

## REMARKS

In the present application, claims 1, 3-7, and 9-26 are pending. Claims 1, 3-7, and 9-26 are rejected. Claims 27-32 are added. No new matter has been added. As a result of this amendment, claims 1, 3-7, and 9-32 are believed to be in condition for allowance.

### The Amendment

New claims 27-32 have been added. Support for these claims may be found, at least at, page 7, lines 21-25 and 28-31 of the specification. Now new matter has been added.

### Claim Rejections – 35 USC § 103

The Examiner rejected claims 1-26 as being unpatentable over 3GPP TS 04.60 in view of Bridges et al. (US Pub. No. 2003/0054809). With respect to independent claims 1, 7, 13, and 20, the Examiner asserts that 3GPP TS 04.60 teaches “a method for operating a wireless communication system having packet data capabilities, comprising: sending a message from a mobile station to a network on a same physical channel that is used to transmit packet data (**3GPP TS 04.60 teaches on Section 11.2.16 and 11.2.17 show Packet Resource request and Packet PSI messages being sent on PACCH. The PACCH is on the same physical channel as PDTCH which is the one used to transmit packet data as indicated in Figure 1. PDTCH and PACCH are two different logical channels on the same physical channel as further illustrated in section 7.1.2.2.1 on line 3.)** the message specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station; and in response to receiving the message, (**The message being Packet PSI Status message 3GPP TS 04.60 teaches on Page 25 in Section 5.5.2.1.3 in the last paragraph that upon receiving such a message the network will send missing PSI messages for that particular mobile station on PACCH**) sending PSI messages from the network to the mobile station over the same physical channel used to transmit the packet data …” The Examiner further allowed as 3GPP TS 04.60 “fails to disclose that the mobile station can specify individual system information messages, it desires, to the network and that the network complies with the request.” The Examiner then further asserts that “Bridges

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discloses an intelligent roaming system with over the air programming. Bridges teaches that a mobile station can request specific information messages from the network and the network will only send the requested system information messages.”

The Examiner then asserts that “It would have been obvious to one having ordinary skill in the art at the [sic] invention was made to modify 3GPP TS 04.60’s method by incorporating Bridges’ procedure over the air programming, the motivation is that the mobile station can save radio resources and reduce battery consumption by not requesting unnecessary system information such as the one already stored in the system each time it changes cells or while moving in the same cell.”

Applicants respectfully disagree with the Examiner’s characterization of the teachings of 3GPP TS 04.60. Specifically, Applicants maintain that 3GPP TS 04.60 does not teach a “message specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station” as asserted. In addition, Bridges et al. similarly fails to teach this recited this element of claim 1. Applicants respectfully disagree with the Examiner’s characterization of the teachings of Bridges et al. Lastly, the Applicants respectfully disagree with the Examiner’s assertion regarding the motivation to combine the teachings of 3GPP TS 04.60 and Bridges et al.

Claim 1 recites:

1. A method for operating a wireless communication system having packet data capabilities, comprising:

sending a message from a mobile station to a network on a same physical channel that is used to transmit packet data, the message specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station; and

in response to receiving the message, sending only the specified individual ones of the PSI messages from the network to the mobile station over the same physical channel used to transmit the packet data, wherein the message is a PACKET PSI STATUS message.

It is of note that the Examiner asserts both that 3GPP TS 04.60 teaches a “message specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station” and that “3GPP TS 04.60 fails to disclose that the mobile station can specify individual system information messages, it desires, to the network”. Putting aside, for the moment, the seeming incompatibility of these statements, Applicants herein proceed to examine each assertion independent of the other.

With regards to the first assertion, Applicants disagree that 3GPP TS 04.60 discloses that the mobile station can send a message specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station. The Examiner cites page 25 in Section 5.5.2.1.3 asserting that “in the last paragraph that upon receiving such a message the network will send missing PSI messages for that particular mobile station on PACCH”. In fact, as the cited last paragraph makes clear, “If the network supports the PACKET PSI STATUS message and this message is received from a mobile station, the network *may* schedule the missing PSI messages for that mobile station on PACCH.” (emphasis added). The “missing PSI messages” are described to be network broadcast PSI messages that were not received by a mobile station that was “busy in packet transfer mode” at the time of broadcast.

In accordance with the detailed structure of the PACKET PSI STATUS message described at page 123, the received PACKET PSI STATUS message simply “indicate[s] which PSI messages the mobile station has received.” There is no teaching of any element by which the mobile station can specify “individual ones of packet system information (PSI) messages that are required for reception by the mobile station” as is claimed. In short, the PACKET PSI STATUS message indicates which PSI messages have been received by a mobile station and, in response, the network *may* schedule a rebroadcast of PSI messages not

received by the mobile station. As the mobile station is unaware of the existence of the missing PSI messages, it is not clear how the mobile station can request them.

In light of the above, Applicants agree with the Examiner's second assertion. Specifically, Applicants agree that "3GPP TS 04.60 fails to disclose that the mobile station can specify individual system information messages, it desires".

However, Applicants disagree with the Examiner's assertion that "Bridges teaches that a mobile station can request specific information messages from the network and the network will only send the requested system information messages." Applicants respectfully assert that the Examiner interprets the flow of information between a mobile station and a base station (BMT) as disclosed by Bridges in a manner which is opposite to that which is described. The Examiner's assertions are considered in turn as follows accompanied by Applicants' arguments.

Examiner's assertion: "In Figure 5 the mobile sends a Configuration Data Response (CDR) Message that has specific system information messages as information elements of the CDR as shown in Table 7A. These information elements are included based on the desire of the mobile and are all optional. These information elements are system information that is required by the mobile strictly for reception purposes. See paragraphs 91-93.

Applicants' response: When describing Fig. 5, at paragraph [0089], it is clearly stated that "When a Configuration Data Request message is sent **from the BMI to the MS** at step S.200, specific configuration **data blocks are solicited from the mobile station.**" (emphasis added). It is further stated, at paragraph [0090] that the Configuration Data Block Map of the Configuration Data Request provides "a list of the Configuration Data Blocks for which the **BMI requests configuration information from the MS**" (emphasis added). As stated at paragraph [0091], the Configuration Data Response noted by the Examiner "can provide, for example, information to the BMI on the currently stored intelligent roaming information".

As is clear, Bridges teaches that the BMI requests data blocks **from** the mobile station. Contrary to the Examiner's assertions, the information elements of the CDR are **not** included based on the desire of the mobile and are not formed of information that is required by the mobile. The information elements are included based upon the desire of the BMI.

Examiner's assertion: "The Base Station responds with a Download Request Message (DRM) downloading the specific requested system information elements by the mobile. See Paragraph 94".

Applicants' response: It is clearly stated at paragraph [0094] that the "The Download Request message is sent to the mobile station in order to download specific configuration data." As noted above, the Configuration Data Response is comprised of information pertaining to the roaming and configuration information stored on the mobile station. There is no part of the Configuration Data Response that specifies information or messages required for reception by the mobile station. When the BMI responds to the received Configuration Data Response with the Download Request Message, the data blocks sent from the BMI to the mobile station are determined by the BMI and not as the result of the mobile station specifying individual messages that are required for reception by the mobile station as claimed.

It is therefore clear that Bridges et al. does not teach, at least in those sections referred to by the Examiner, "sending a message from a mobile station to a network ... the message specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station; and ... sending only the specified individual ones of the PSI messages from the network to the mobile station" as claimed.

Applicants further respectfully disagree with the Examiner's assertion that it would have been obvious to "modify 3GPP TS 04.60's method by incorporating Bridges et al.'s procedure for the over the air programming of a mobile to permit re-programming as of a mobile with new intelligent roaming information as it becomes available. The Examiner cites further motivation comprising reducing battery consumption by not requesting unnecessary system information.

As the MPEP states at 2143.01, citing In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984), "If proposed modifications would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification."

Applicants allow that Bridges et al. teach, generally, inter-application wireless communication between a sending and receiving device. As noted, contrary to the Examiner's assertions, the receiving device does not inform the sending device about the data it would like receive. Regardless, as discussed above, 3GPP TS 04.60 does not define a structure for specifying messages that are required for reception by the mobile station. As is well understood by one skilled in the art, a wireless technical standard, such as 3GPP TS 04.60, is defined down to the bit level. Support for this assertion is evident from the Examiner's citation of page 123 of 3GPP TS 04.60. As noted above, there is recited at this citation a bit-wise format of a packet PSI status message. Therefore, the provision of additional information via a construct separate from the PACKET PSI STATUS message defined by 3GPP TS 04.60, such as the Download Request message, would result in a communication not congruent with the well defined protocol in use. Applicants submit, as is well understood, that such a free form deviation from an implemented standard renders the schema inoperable in the context of the 3GPP TS 04.60 standard.

In addition, by precisely specifying that the Received PSI message List element "contains a list of correctly received PSI messages", and omitting any reference to a data structure element for "specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station" as claimed, the disclosure of 3GPP TS 04.60 teaches away from employing a methodology for so specifying such PSI messages. Therefore, while a combination of the teachings of 3GPP TS 04.60 and Bridges et al. is explicitly deemed to be inappropriate, assuming, arguendo, that such a combination were obtained, the resulting combination would not be consistent with the recitations of claim 1. Specifically, such a combination would result in the data structures as taught by 3GPP TS 04.60 onto which are grafted the additional data structures of Bridges et al. This arrangement is, for the reasons stated above, not equivalent to a "message specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station . . . wherein the message is a PACKET PSI STATUS message" as is claimed.

For the reasons so stated, claim 1 is in condition for allowance. All of the remaining independent claims 7, 13, and 20 likewise recite language directed to, generally, utilizing a

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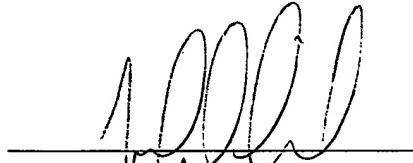
message to specifying individual ones of packet system information (PSI) message types that are required for reception by the mobile station. Therefore, for the reasons stated above, claims 7, 13, and 20 are likewise in condition for allowance. As all of claims 2-6, 8-12, 14-19, and 21-26 are dependent upon claims 7, 13, and 20, they are likewise in condition for allowance. New claims 27-32 should also be found to be in condition for allowance, at least for the reasons argued above.

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An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Respectfully submitted:



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